



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAMBERT & ASSOCIATES, P.L.L.C.
92 STATE STREET
BOSTON, MA 02109-2004

COPY MAILED

JAN 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Milton Davila, et al.	:	
Application No. 10/660,294	:	ON PETITION
Filed: September 11, 2003	:	
Attorney Docket No. 04-080-JS	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed November 16, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed June 14, 2005 indicating that the reply filed on May 18, 2005 (Certificate of Mailing dated May 16, 2005), failed to place the application in condition for allowance. Accordingly, the application became abandoned at midnight on May 16, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed October 31, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 2800, Art Unit 2876 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams
Petitions Examiner
Office of Petitions